

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of	)	
	)	
Section 63.71 Application of AT&T Services,	)	
Inc., on behalf of its affiliate; Pacific Bell	)	
Telephone Company d/b/a AT&T California	)	
Authority Pursuant to Section 214 of The	)	WC Docket No. 26-120
Communications Act of 1934, As Amended,	)	Comp. Pol. File No. 2137
To Discontinue the Provision of Service	)	WC Docket No. 26-121
	)	Comp. Pol. File No. 2138

**Reply of Nina Beety
to Opposition of AT&T Services, Inc. to
Nina Beety Petition for Reconsideration**

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In AT&T's Opposition to my Petition for Reconsideration ("Opposition"), AT&T falsely claims defects of no new facts and failure to "identify any material error, omission, or reason warranting reconsideration"(Opposition at 1). AT&T's Opposition is baseless and without merit.

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I. AT&T concealed a material fact and made a fraudulent representation to the FCC

AT&T violated 18 U.S. Code § 1001(a)(1) and (2) by "knowingly and willfully" concealing and covering up a material fact and making a materially false, fictitious, and fraudulent statement and representation to the FCC.

By AT&T's own admission in its AT&T Mobile Insurance disclosure (Petition, Exh. B), AP-A is a product which pollutes. However, AT&T concealed this material fact and made a false statement that AP-A is an "adequate replacement service"(eg. Opposition at 3), when a reasonable person would conclude that a) a product with a pollutant, and b) a pollutant excluded from AT&T liability coverage, is not an acceptable or adequate replacement service either for themselves or for state or national adoption. AT&T's disclosure was new to me until very recently. I am also unaware that AT&T brought it to the attention of the public or the FCC in 25-208 or 25-209, or at any time since 2019, or included it in its information about the adequacy of AP-A and wireless services. Therefore, it is a material fact that is new information.

In addition, AT&T states: "Affected Customers are also served by one or more "facilities-based mobile wireless" providers, including Verizon, whose mobile voice service the Commission recently found to be an adequate replacement for POT"(63.71 Application at 4), again claiming that services with an AT&T-acknowledged pollutant are adequate replacement services for the public. Note: Verizon has also acknowledged that microwave radiation is a

pollutant under Pollution in a fine-print liability disclaimer (but which is apparently undisclosed to the FCC), stating “The discharge, dispersal, seepage, migration or escape of pollutants. Pollutants means any solid, liquid, gaseous, or thermal irritant or contaminant including smoke, vapor, soot, fumes, acid, alkalis, chemicals, artificially produced electric fields, magnetic field, electromagnetic field, soundwaves, microwaves, and all artificially produced ionizing or non-ionizing radiation and/or waste...”

II. The Bureau made a clear and material error in its automatic-grant decision due to AT&T's concealment

The Wireline Competition Bureau's decision to automatically grant discontinuance did not take into consideration AT&T's own “fine print” admission of the pollutant nature of AP-A and of other “adequate replacement services”, because AT&T did not disclose it.

As a result, the Bureau decision to allow discontinuance premised on “adequate replacement services” had material error. Since no reasonable person would consider a polluting product as an acceptable or adequate replacement or alternative for the public in place of an existing non-microwave product, AT&T's concealment of this significant information resulted in the Bureau committing a material error in its decision of automatic grant.

Further, the 2016 FCC “Technology Transitions Order” was “a decade ago”, (Opposition at 3-4), previous to AT&T's and Verizon's admissions that microwave radiation is a pollutant. That decision is now shown to have material error.

III. The Congressional letter is material evidence

Congressional representatives' responsibilities include assisting members of the public

with problems, fact-finding, investigating public needs, and overseeing and enacting the federal laws that permit FCC programs and activities. When Congressional members provide guidance and information to the FCC, it is significant evidence and it is material. Twenty-eight California members of Congress, including California's two senators, signed the letter to the FCC. It cites federal statute Section 254 - authority given to states by Congress (Petition, Exh. A at 2). It provides significant material facts. Since it was submitted July 22, after the June 29 automatic grant, it could not have been considered in the Bureau's decision to automatically grant discontinuance. It is new information.

IV. All submitted comments may be material omissions by the Bureau

The Bureau's silence makes it impossible to know which, or indeed, whether any “arguments...have been fully considered and rejected within the same proceeding” (Order PTI Pacifica at 994 (2024) https://docs.fcc.gov/public/attachments/DA-24-96A1_Rcd.pdf) As I stated (Petition at 13), Bureau representative Kimberly Jackson's statement of their “review of the record” gave no specifics as to whether the Bureau actually read the many submissions and their evidence, or whether the Bureau only glanced down the docket list of names. It's impossible to know, because the Bureau has said nothing. Therefore, absent any explanation from the Bureau, it is entirely possible that any and all arguments and evidence posed by me at this phase of reconsideration may be entirely new material facts to the Bureau. As a result, those materials facts can and must be freely introduced.

In fact, in the absence of any explanation of its decision to proceed with automatic granting, the Bureau's material omissions may amount to all the data and evidence provided by me and the public on critical issues including, but not limited to, public safety and disabled access in these proceedings, now further buttressed by the material evidence of the

Congressional letter, and the “new” material evidence of AT&T's admission of microwave radiation as a pollutant.

V. The FCC's unclear rules limit the public's ability to appeal

AT&T's assertion that I “could have appealed” the Network Modernization Order (Opposition at 3) is ignorant, at best. For instance, the public is disadvantaged by no clear guidelines on process and rules, including for Petitions for Reconsideration, to avail itself of the few appeal avenues. A brochure prominently displayed on the FCC's main page with the requirements for each type of appeal would be a big improvement over combing through rules and archives to have some understanding of what these documents must contain.

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I request that the Bureau grant my Petition for Reconsideration, and deny AT&T's Section 63.71 Applications for discontinuance of residential and business TDM-based voice services in California 26-120 and 26-121.

Sincerely,

/s/ Nina Beety
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